

**RECEIVED  
CENTRAL FAX CENTER**

**FULBRIGHT & JAWORSKI L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
665 FIFTH AVENUE, 31ST FLOOR  
NEW YORK, NEW YORK 10103-3198  
[WWW.FULBRIGHT.COM](http://WWW.FULBRIGHT.COM)

**MAY 17 2004**

**OFFICIAL**

**FACSIMILE TRANSMISSION**

**DATE:** May 17, 2004

**MATTER NUMBER:** 10314509

LUD 5629.3 DIV

<b>RECIPIENT(S):</b>	<b>FAX NO.:</b>	<b>PHONE NO.:</b>
Examiner Marianne DiBrino USPTO - Art Unit 1644	1571 273-0842 and 1703 872-9306	1571-272-0842

**FROM:** Norman Hanson **USER ID:** NH01030 **FLOOR:** 24

**PHONE:** (212) 318-3168 **FAX:** (212) 318-3400

**RE:** U.S. Serial No. 10/706,475

**NUMBER OF PAGES INCLUDING COVER PAGE:** 3

**Message:**

**PLEASE DELIVER TO EXAMINER MARIANNE DIBRINO  
AT ART UNIT 1644. THANK YOU**

**CAUTION - CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL, AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL  
FANI MALIKOUZAKIS AT 212-318-3220 AS SOON AS POSSIBLE.**

LUD 5629.3 DIV (10314509)

<u>CERTIFICATE OF FACSIMILE TRANSMITTAL</u>	
<p>I hereby certify that this correspondence is being transmitted via telecopy pursuant to 37 CFR 1.8 to <u>Group 1644, Examiner Marianne DiBrino</u> of the United States Patent &amp; Trademark Office at <u>(571) 273-0842</u> and <u>(703) 872-9306</u> on May 17, 2004.</p>	
<u>5/17/04</u>	<u>Fani Malikouzakis</u>
Date	Name: Fani Malikouzakis

**OFFICIAL****RECEIVED  
CENTRAL FAX CENTER****MAY 17 2004****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Applicant : Vincenzo CERUNDOLO et al.  
 Serial No. : 10/706,475  
 Filed : November 11, 2003  
 For : NY-ESO-1 PEPTIDE DERIVATIVES, AND USES  
 THEREOF  
 Art Unit : 1644  
 Examiner : Marianne DiBrino

---

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Restriction Requirement of April 20, 2004, applicants elect Group III, i.e., claim 57, and the specific peptide of SEQ ID NO: 6 (X=A). Claims 57-58 are readable thereon.

The requirement for electing an in vitro or an in vivo method of administration is without basis, since this is not a feature of the claims, and the Examiner has no legal authority whatsoever to require election of what is not specifically claimed. Should the Examiner believe that she has such authority, the citation of appropriate case law, statute or regulation would be appreciated.

LUD 5629.3 DIV (10314509)

No fee is believed to be due, however, the Commissioner is hereby authorized to deduct any fees associated with this filing from Deposit Account No. 500624.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.

By:



Norman D. Hanson, Esq.

Registration No. 30,946

666 Fifth Avenue

New York, New York 10103-3198

(212) 318-3000

(212) 318-3400 (fax)